

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT S.D. BERGEN,)
Petitioner,) Case No. C06-819-RSL
v.)
DR. HENRY RICHARDS,) ORDER TRANSFERRING
Respondent.) § 2254 PETITION
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The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's motion to dismiss, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, the governing authorities and balance of the record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) This case is TRANSFERRED to the United States Court of Appeals for the Circuit, in the interests of justice, pursuant to 28 U.S.C. § 1631 and Circuit Rule 22-4. Petitioner is advised that this transfer does not of itself constitute compliance with 4(b)(3) and Circuit Rule 22-3. He must still file a motion for leave to proceed in the Circuit and make the showing required by § 2244(b)(2).

01 (3) The Clerk is directed to close this case and transfer all original documents to
02 the Ninth Circuit Court of Appeals. The Clerk is further directed to send a copy of this Order
03 to petitioner, to counsel for respondent, and to Judge Donohue.

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05 DATED this 21st day of November, 2006.

06 Robert S. Lasnik
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08 Robert S. Lasnik
09 United States District Judge
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